

UNITED STATES DISTRICT COURT

for the

Central District of California

Southern Division

FILED

CLERK, U.S. DISTRICT COURT

12/20/2022

CENTRAL DISTRICT OF CALIFORNIA

BY: _____ DTA _____ DEPUTY

FEE PAIDCase No. **2:22-cv-09256-FMO-RAOx**

(to be filled in by the Clerk's Office)

Esroruleh Mohammad

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-V-

Los Angeles County

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Esroruleh Mohammad
Street Address	815 N Altadena Dr
City and County	Pasadena, Los Angeles
State and Zip Code	CA 91107
Telephone Number	5109219339
E-mail Address	emohammadphd@icloud.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Los Angeles County

500 W Temple St,

Los Angeles, Los Angeles

CA 90012

213) 974-1311

Defendant No. 2

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Defendant No. 3

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

Defendant No. 4

Name
 Job or Title *(if known)*
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title VII of the Civil Rights Act of 1964;
California Fair Employment & Housing Act;
Title I of the Americans with Disabilities Act (ADA)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____ . Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its

principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)* _____,

and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was part of an interview panel (including Program Head Keri Pesanti) to hire new employees for Los Angeles County (LAC) Department of Mental Health (Department) Prevention Early Intervention (PEI) administration. I filed a complaint with LAC County Equity Oversight Panel (CEOP) on November 15, 2019 regarding Keri Pesanti engaging in racial and ethnic bias and discriminatory practices to exclude multiple job applicants who had applied and interviewed for employment in the Department.

December 5, 2019 Keri Pesanti misused her authority as a Program Manager to engage in harassment and intimidation to coerce me to share with her confidential information about the CEOP report that I had filed about her conduct in relation to job applicants who were Native American, Black American, LatinX, Asian American. I immediately reported what was transpiring to CEOP and to Department HR.

After receiving CEOP notification, Keri Pesanti misused her authority to obtain information that identified me as the person who had reported the discriminatory practices to the CEOP. Keri Pesanti engaged in retaliation by excluding me from the hiring panel and from being able to continue to perform my professional duties.

December 16, 2020 Keri Pesanti continued to retaliate by misusing her authority to obstruct and limit my Performance Evaluation.

June 6, 2021, CEOP representative discussed with me their determination from investigation after the November 15, 2019 CEOP complaint. I reported to the CEOP representative that Keri Pesanti's retaliatory behaviors and efforts to exclude my professional input/ perspective since the initial complaint was filed, CEOP representative stated a new CEOP complaint will be filed regarding the Keri Pesanti's retaliation against me as a consequence of having filed a CEOP complaint.

September 21, 2021, I respectfully inquired about questions/concerns about why I was being excluded from participating in team meetings, discussions and decision making processes. Keri Pesanti retaliated by trying to destroy my professional reputation and career prospects in the Department.

October 6, 2021, Seiu721 Union Rep. and I initiated a formal, multilevel (Levels 1-3) Grievance to address the retaliation and abusive conduct of Keri Pesanti. The Department did not give me an opportunity to have a Grievance Hearing at Level 2. The Grievance was denied by Keri Pesanti at Level 1 and Deputy Director Robert Byrd denied the grievance at Level 3 on January 3, 2022. After the grievance process, Keri Pesanti continued to misuse her authority to retaliate and engage in abusive behavior towards me in supervision and team meetings and verbal/written communications in order to exclude my professional input and contributions and to try to destroy my professional reputation and career prospects in the Department.

January 6, 2022 - January 12, 2022 Keri Pesanti's unprofessional, abusive, humiliating and sabotaging behaviors were witnessed by multiple staff in discussions and emails, and continued to try to compromise my relationship with colleagues, and to destroy my professional reputation in order to exclude me from being able to participate in and contribute my professional duties and responsibilities in the Department.

January 13, 2022 Keri Pesanti continued to retaliate and try to destroy my professional reputation through an urgent, unexpected supervision meeting. Keri Pesanti informed me that the meeting was not disciplinary and assured me that I would not need to have a union representative present, which I had requested. The meeting was held with Department District Chief Wendy Tovey at the direction of Deputy Director Robert Byrd. Keri Pesanti continued to retaliate and misuse her authority by sending emails after the urgent supervision meeting with District Chief and tried to destroy my professional reputation with upper management and sabotage my career prospects in the department. In the written communications, Keri Pesanti described her perceptions of me as "non compliant" and presented potential disciplinary actions. I was placed on Medical Leave.

March 11, 2022 Keri Pesanti continued to retaliate even while I was on medically-certified leave of absence from work by sending me and upper management emails to express why I was not back to work and presented her perceptions of my professional inquiries as "insubordinate behavior" since October 2021 (Month when formal grievance, CEOP report and EEOC complaints were filed).

April 19 2022 After months of delays, the Department provided IPM opportunity. The Department denied treating physicians recommendation for reasonable accommodations, and requested additional information from treating physician. Subsequently, after 27+ weeks of delays, the Department issued denial of recommended accommodations and did not provide an opportunity to return to work.

November 8, 2022 After months of delays, follow up IPM opportunity was provided. Treating physician's recommendation for reasonable accommodations was denied again by the Department, who indicated that I could only return to the same work environment that got me sick and unable to cope in the first place.

The Department of Mental Health failed to adhere to the FEHA, ADA, Title VII and County policies..

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

To accommodate my medical restrictions, restore benefits and lost wages from March 4 to present, and all other relevant remedies including being made whole.

Cease and desist retaliation, disparate treatment and harassment immediately.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/20/2022

Signature of Plaintiff



Printed Name of Plaintiff

Esroruleh Mohammad

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Los Angeles District Office
255 East Temple St, 4th Floor
Los Angeles, CA 90012
(213) 785-3090
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS ENCLOSED

Dr. Esroruleh Mohammad
1480 Riviera Dr.
Pasadena, CA 91107

Re: Dr. Esroruleh Mohammad v. COUNTY OF LOS ANGELES DEPARTMENT OF
MENTAL HEALTH
EEOC Charge Number: 480-2021-04293

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed Dismissal and Notice of Rights (Notice) in the above-referenced charge on the date reflected thereon. Specifically, on that date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the Portal. Our records indicate you have not downloaded the Notice from the Portal. For your convenience, a copy of the Notice is enclosed with this letter.

Please note that if the Charging Party wants to pursue this matter further in court, Charging Party must file a lawsuit within 90 days of the date they receive the Notice. The 90-day period for filing a private lawsuit cannot be waived, extended, or restored by the EEOC.

I hope this information is helpful. If you have questions, please contact Jesus Moreno by telephone at 213-785-3059 or email at Jesus.Moreno@eeoc.gov.

Sincerely,

09/23/2022

Enclosure

Heyri
Medina

Digitally signed
by Heyri Medina
Date:
2022.09.23
09:42:03 -07'00'



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Los Angeles District Office
255 East Temple St, 4th Floor
Los Angeles, CA 90012
(213) 785-3090
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 05/18/2022

To: Dr. Esroruleh Mohammad
1480 Riviera Dr.
PASADENA, CA 91107
Charge No: 480-2021-04293

EEOC Representative and email: Jesus Moreno
Federal Investigator
JESUS.MORENO@EEOC.GOV

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 480-2021-04293.

On behalf of the Commission,

Digitally Signed By:Christine Park-Gonzalez
05/18/2022

Christine Park-Gonzalez
Acting District Director

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

State and Zip Code

Telephone Number

E-mail Address

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 480-2021-04293 to the District Director at Christine Park-Gonzalez, 255 East Temple St 4th Floor Los Angeles, CA 90012.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.